P10/SB/05 (8-96)

Please type a plus sign (+) Inside this box 

Approved for use through 9/30/98. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NEW	UTILIT	Y PA	TENT	
<b>APPLICA</b>	TION '	TRAN	SMIT	TAL

(to be used for new applications only)

PROFILING	o 10
RODOV	8. 4242
. 29	9/44
	· · · · · · · · · · · · · · · · · · ·

			<del></del>			BO ==
APPLICATION ELEMENTS  Notice: Checklist items mentioned under Application Elements section construct a new utility patent application. Please refer to MPEP Sections 506, 601, (37CFR 1.77, 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original patent application.			ACC	OMPANYING APE	PLICATION PA	R ■
1.  Fee  2. Specificatio  Title  Cro  (if if it)  Reform  Reform  Bac  Brie	e Transmittal Form (prescribed filing in a continuous of the Invention applicable) ement Regarding Federally-sponsor earch/Development (if applicable) erence to Microfiche Appendix applicable) kground of the Invention of Summary of the Invention	ns	6. X 7. 3. 8. 3. 9. 10. 11. 12. 12. 12. 13. 14. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15	Assignment Papers Certified Copy of Proc (if foreign priority is of Computer Program in English Translation D Information Disclosur Statement/PTO-1449 Petition Checklist and	nority Document(s) claimed)  In Microfiche  Document (if applied tre Copies Citation  d Accompanying Filter	of IDS s
✓ Deta ✓ C(a)	trawings filed)  inled Description  or or Claims  tract of the Disclosure		13	Proprietary Information Return Receipt Postor Small Entity Statement	card	
3 X Dray	ving(s) (when necessary as prescrib ISC 113) uted Declaration	ed by	16. 🗡	Additional Enclosures  CERT. OF E  MAILING		nelow).
(if applicable	quence Submission e, all must be included) r Copy outer Readable Copy		SIGNATURE Firm or Individual nam Signature	2 /	= McMar	JUS
	ment Verifying Identical Paper and outer Readable Copy		Date	11/1	,McMa 19/99	<u>NiA</u>
FOR OFFICIAL US			SE ONLY			=
Application Number	7.0	Class	JL UNLI	Ind	dependent Claims	<u> </u>
Date of Receipt	Application Type	GAU		<del>  </del>		
<del></del>	Filing Date	#	<b>F</b>		otal Claims	
		-	Filing License?	Dra	rawing Sheets	
	Small Entity	Foreign	Address?	Spe	ecial Handling?	1

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#### PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: RODOV	
Serial No: 0 /	Group No.:
Filed: 11/19/99	Examiner:
FOR END USER PROFILING	, METHOD
Commissioner of Patents and Tradema	rks
Washington, D.C. 20231	
EXPRESS M	AIL CERTIFICATE
"Express Mail" label number EL29175	<u> </u>
Date of Deposit 11/19/99	·
I hereby certify that the following attache	ed paper or fee
UTIL, APPLN TRAN	EMITTAL & LISTED ATTACHMENTS
tor Applin o	F RODOV -
END USER	PROFILING METHOD

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

KAJANE MCMANUS
(Typed or printed name of person mailing paper or fee)

(v),pod o, pilling italian is policing

(Signature of person mailing paper or fee)

NOTE: Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

Appl	icant c	r Patentee: <u>Al</u>	<u>exander G. Rodov</u>	At	torney's Docket No.: Profiling
Seria	al or F	atent No.:	·		
File	d or Is	sued:			
			iethod		
		VERIFIED STA	TEMENT (DECLARATI	ON) CLAIMING SI	MALL ENTITY STATUS INESS CONCERN
I he			the small busines f the small busin		tified below: powered to act on behalf of the
			allation Software	Technologies,	Inc., DBA Installshield Sofware
	<u>oratior</u> ESS OF		900 National Park	way, Suite 125	, Schaumburg, IL 60173
busing purposed does of the periodire ath busing Sect	ness cooses of, in the not exhe busingersons of ctly or ird parters deness coion 41	encern as defined paying reduced at the number of ceed 500 persor in employed on a the fiscal year indirectly, or parties eclare that the process defined and (b) of	ned in 13 CFR 12: ad fees under sectof employees of the sector of the se	1.3-18, and reption 41(a) and ne concern, incof this statement the previous time or temporary are affiliated by the power to coccern identification for purposed States Code,	ied above qualifies as a small s of paying reduced fees under with regard to the invention
			G. Rodov		
desc					
			tion filed bowers	! + la	
ı	[x]	<del></del>	tion filed herew:		C. 7 . 8
	[]				filed
	[ ]	patent no		, issued _	·
indi no r qual or b	vidual, ights t ify as y any c	concern or or or othe invention an independent oncern that wo	ganization having a are held by any inventor under 37	rights to the person, other t CFR 1.9(c) if s a small busin	concern are not exclusive, each invention is listed below* and han the inventor, who could not that person made the invention, ess concern under 37 CFR 1.9(d)
	E: Sep nization CFR 1.2	n having right	d statements are s to the invention	required from on averring to	each named person, concern or their status as small entities.
NAME					
	[] INI	OIVIDUAL	[ ] SMALL BUSI	NESS CONCERN	[] NONPROFIT ORGANIZATION
NAME					
ADDR	ESS				
	[] INI	OIVIDUAL	[ ] SMALL BUSI	NESS CONCERN	[ ] NONPROFIT ORGANIZATION

:0

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stan Martin	
TITLE IN ORGANIZATION: President + COO	
ADDRESS OF PURSON SIGNING, 900 National Parkway, Suite 125, Schuamburg, IL	60173
ADDRESS OF PERSON SIGNING: 900 National Parkway, Suite 125, Schuamburg, IL	
DATE:	

25

5

# End User Profiling Method Background of the Invention

Field of the Invention

The invention relates to a method of creating and storing a reaccessible, browser independent end user profile on the end user's computer, at least upon initial access, of an e-commerce website offering the purchase, downloading and installation of software or information (data) therefrom, without requiring the user to repeatedly enter the profile information. More specifically, the end user profile is downloaded and stored invisibly and seamlessly with the desired data download from the website.

Description of the Prior Art

Heretofore, end user profiling has been accomplished in a more or less program specific manner.

As an example, when a user on the internet accesses a site for download of desired data therefrom, the user must use a specific browser (of choice) to gain access to the site. A typical browser incorporates a function which creates and stores, from input end information, an end user profile in a particular area on the end user's computer, with the information only being retrievable by the particular browser used when creating the profile. One easily recognized form of such browser dependent function is commonly referred to as a cookie.

Thus, if a user switches between browsers, access to the end user profile by the new browser selected is impossible.

Further, programming is available which will not allow creation of cookies, requiring repeated user information input upon each access of any site requiring user profiling before access is allowed, or upon installation of an application necessary for retrieval of the download data, if such application requires a profile as well.

#### Summary of the Invention

Accordingly there is a need in the industry for a method of creating and storing a reaccessible end user profile on the end user's computer which is independent of the browser selected for use by the end user.

Further, there is a need for such method to be accomplished in a substantially seamless manner invisible to the end user, with the end user profile being transferred and stored in a predetermined generically accessible location on the end user's computer, such as in the registry of the operating system in use.

These, as well as other objects are met by the method described in detail hereinafter.

## Brief Description of the Drawing

The Figure is an operational flow chart of the method of the present invention.

25

5

## Description of the Preferred Embodiment

Referring now to the Figure in greater detail it will be understood that the method is primarily proposed for use in an HTML based e-commerce environment, where an end user logs onto the internet, looking to purchase or download a program or information (data) from an e-commerce site.

Although this is the primary purpose for which the method was intended when developed, it should not be construed as limiting, inasmuch as application of the method to other environments of use will become obvious upon perusal of the following description.

In the e-commerce environment, an end user logs onto the internet and opens one of several available browsers. The end user then logs onto a desired e-commerce site via the browser.

It will be understood that, typically, information is polled from the user and downloaded onto the computer of the user in a not only browser specific but browser dependent manner, with the most well known form of such informational data storage medium commonly being referred to as a cookie.

The drawbacks of this type of system are first that the cookie or equivalent is only reaccessible when the end user returns to the website using the same browser which generated the cookie and second that programming is available which does not allow such cookie to be stored on the end user's computer.

Thus, either the blocking of cookies can take place or a switch in browsers will defeat the reaccessibility of the end user information or profile, requiring the end user to take time and

25

5

trouble in re-entering information required by either the ecommerce site, or for example, a program requiring registration for operation thereof.

The incompatibility in information retrieval between the various available browsers was the impetus in developing the present method, to provide a reaccessible end user profile which is not browser specific or browser dependent and which is stored in a generically accessible location on the user's computer, as will be defined hereinafter.

In the method disclosed herein, after the end user logs onto the website, the server of the website determines if a profile for the end user logging on exists on the server. If no end user profile is found to exist, the server can proceed in one of two alternatives.

In the first alternative, the end user is polled for information, such as name, email address, etc., and an end user profile is created from the input information and stored on the server. Then the end user is allowed to choose the desired download.

In the second alternative, the end user first chooses the desired data for downloading, and, once the choice is entered, the server then polls the end user for desired user profile information such as that described above, etc. and the end user profile is then created and stored on the server.

However, if the website server determines that a profile already exists for the end user, the polling does not take place,

25

5

and no profile is generated, with the end user being able to immediately choose the desired data for download.

Next, the server generates a download package which includes the data that the end user has selected for download and a preexisting profile extraction program for use in extracting the user profile, which will become part of the download package as will be described hereinafter.

The website server also generates an interactive HTML page having a copy of the user profile on the server embedded within a tag on the page, with the tag pointing to the download package through an active filter.

This is all accomplished behind the scenes, so to speak, with the end user merely seeing a DOWNLOAD button appear on the HTML page.

when the end user interacts with the HTML page by "clicking on" (activating) the DOWNLOAD button, downloading onto the user's computer of the download package from the tag location begins.

In this respect, when the DOWNLOAD button is activated by the end user, the browser being used requests the download package to be transferred through the active filter to the end user's computer.

The active filter, a program on the server, now functions to strip the copy of the end user profile from its embedded location on the interactive HTML page and attaches the profile to the download package being transferred therethrough.

Typically, once transference of the download package onto the

25

5

end user's computer is complete, one of two possible options becomes available.

Under a first option, the end user causes the downloaded package to be saved at a desired location on the computer and then manually initializes (begins installation of the data in) the download package.

Under an alternative option, upon completion of the download onto the end user's computer, the download package is automatically initialized by the download program.

Regardless of which option takes place, upon initializing of the downloaded package, the extraction program of the package is activated to locate and extract the user profile from the download package. The extraction program next determines if a profile is found at a predetermined generic, reaccessible location on the end user's computer.

If the profile is found, it is next determined whether or not the profile is to be replaced.

If the profile is not to be replaced, the package activates an install, or other required application, to make the downloaded data accessible to the end user, with the activated application being able to access the reaccessible end user profile on the end user's computer as required, such as for registration, etc.

Alternatively, if the profile was found and it is desired that replacement thereof should take place, or, if no existing profile was found on the end user's computer, the profile extracted (removed) from the download package is placed in the generic

25

5

predetermined reaccessible location on the end user's computer, with installation or other application of accessibility of the downloaded data also taking place in a seamless manner. In the preferred embodiment of the method, this location is within the registry of the operating system.

Running of the extraction program is performed in such a seamless manner that the end user is unaware of it functioning, and merely sees that the desired application for accessing the desired data is being installed onto the computer.

The end user profile, having been stored in such generically accessible location, is now available to be reaccessed by the downloaded application as required or by the site server for downloads of any sort, such as upgrades, options, other software, etc., with the returning user being recognized by the site server without need of rekeying any user identification, regardless of which browser the end user should happen to be using to gain access to the site.

It will be understood here that since the most commonly utilized present day operating system is Windows, that the end user profile would preferably be embedded into the Windows registry.

As described above, the method of the present invention provides a number of advantages, some of which have been described above, and others of which are inherent in the invention. Also, modifications may be proposed to the method without departing from the teachings herein. Accordingly the scope of the invention is only to be limited as necessitated by the accompanying claims.

25

5

#### Claims

1. A method for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the method comprising the steps of:

determining if a profile for the end user exists on the website server and if not;

polling the end user and obtaining input desired for creating the profile on the server;

creating the profile;

embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

generating a download package comprising the desired data and a profile extraction program;

generating an HTML page including the action tag for actuation by the user for downloading selected data;

upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

25

5

- 2. The method of claim 1 wherein the data filter is an active filter.
- 3. The method of claim 1 wherein the profile is downloaded into the registry of the end user's operating system.
- 4. The method of claim 1 wherein the profile copy is linked to the package being downloaded upon actuation of a download button provided on the interactive HTML page.
- 5. The method of claim 1 wherein the website server determines if an end user profile exists thereon and upon finding same accesses and reuses the information.
- 6. The method of claim 1 wherein the website server determines if a user profile exists thereon and upon finding none, begins a process of creating one.
- 7. The method of claim 1 wherein transfer of the user profile to the user's computer is invisible to the user.
- 8. The method of claim 1 wherein extraction of the user profile and application installation are simultaneous and performed seamlessly.
- 9. The method of claim 1 wherein extraction of the profile is invisible to the user.
- 10. The method of claim 1 wherein placement of the extracted profile at the predetermined generic location on the user's computer is invisible to the user.
- 11. The method of claim 1 wherein the predetermined generic location is the registry of computer's operating system.
  - 12. The method of claim 2 wherein the active filter comprises

a program.

5

H

20

15=

- 13. An end user profile created by the method of claim 1.
- 14. A computer executed process for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the process comprising the steps of:

determining if a profile for the end user exists on the website server and if not;

polling the end user and obtaining input desired for creating the profile on the server;

creating the profile;

embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

generating a download package comprising the desired data and a profile extraction program;

generating an HTML page including the action tag for actuation by the user for downloading selected data;

upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

25

25

5

- 15. An end user profile created by the method of claim 14.
- 16. Computer executable software process code for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the code comprising:

code for determining if a profile for the end user exists on the website server;

code for polling the end user and obtaining input desired for creating the profile on the server;

code for creating the profile;

code for embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

code for generating a download package comprising the desired data and a profile extraction program;

code for generating an HTML page including the action tag for actuation by the user for downloading selected data;

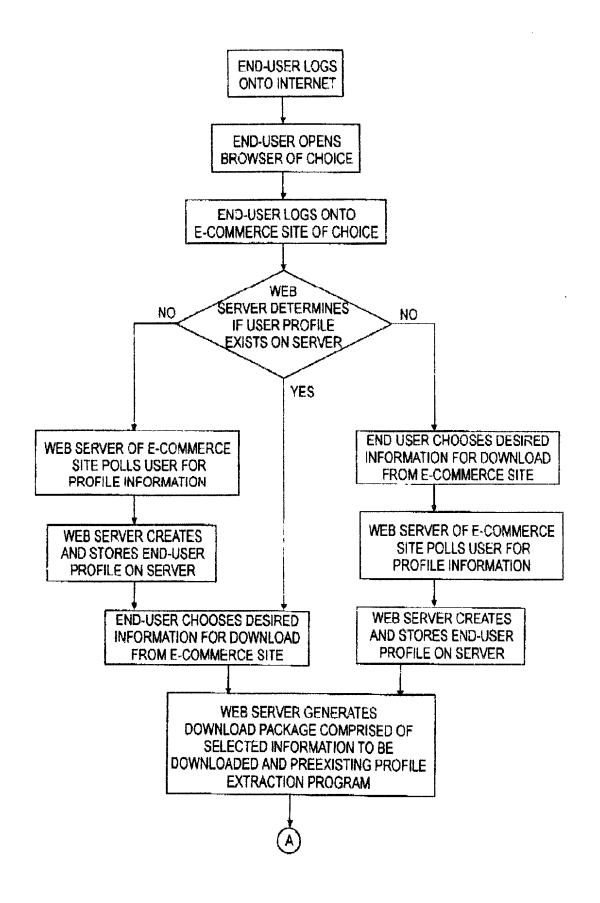
upon execution of the action tag by the user, code for beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

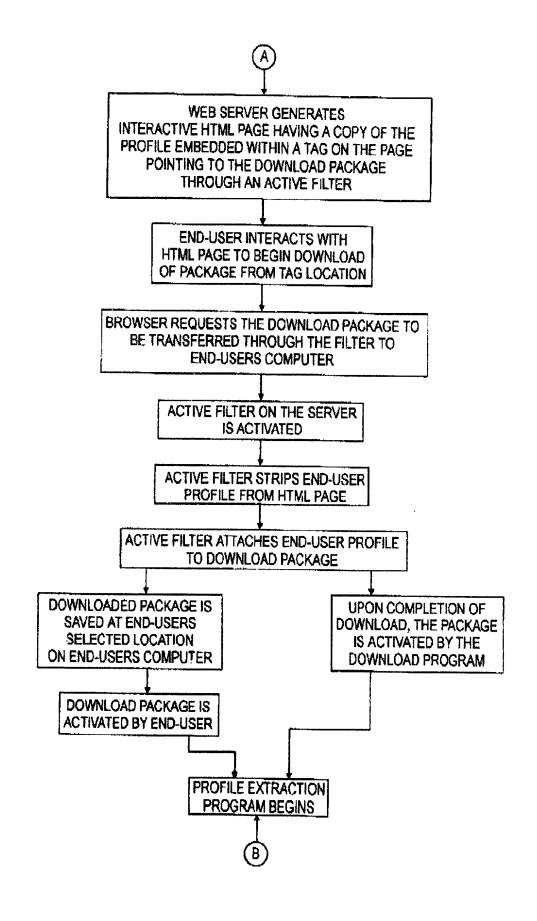
upon opening of the package, code for running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

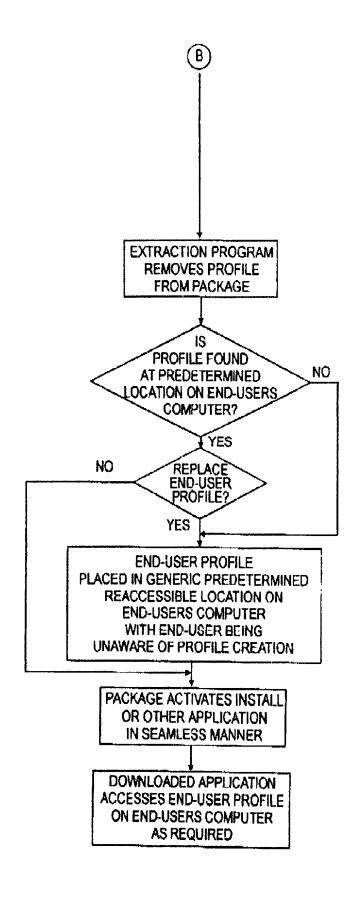
5

#### Abstract of the Disclosure

The method is provided for creating, transmitting, extracting and storing an end user profile on the end user's computer which is reaccessible and comprises the steps of: determining if a profile for the end user exists on the website server and if not; polling the end user and obtaining input desired for creating the profile on the server; creating the profile; embedding a copy of the profile into an action tag pointing to a download package through a data filter on a server; generating a download package comprising the desired data and a profile extraction program; generating an HTML page including the action tag for actuation by the user for downloading selected data; upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package; upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer; and accessing the profile as needed for eliminating rekeying by the user of profile information contained therein.







Attorney Docket No.: Profiling

#### UTILITY PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled <a href="End User Profiling Method">End User Profiling Method</a>, the specification of which

[X] is attached hereto

as Application Serial No.

and

was amended on

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): Priority Claimed

Number Country Day/Month/Year Filed Yes No

I hereby claim the benefit under Title 35, United States Code, Section 119 of United States provisional application(s), and/or Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) that occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

<u>Serial No.</u> <u>Filing Date</u> <u>Status: Patented, Pending, Abandoned</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby	appoint the following atto	<pre>rney(s) and/or agent(s):</pre>
	Kajane McManus	Reg. No. 31,642
		Reg. No.
		Reg. No.
all of		
	ADDRESS:	
	P.O. Box 344	
	Wonder Lake, IL 60097	
and to tr	ransact all business in th	revocation, to prosecute this application e Patent and Trademark Office connected dence should be addressed to them.
	**************************************	**************************************
Inventor'	s signature	Date: 11/10/00
Residence	e: 736 W. Bode Circle, Apt	109, Hoffman Estates, IL 60194 USA
	nip: Russia	
	ce address: Same as above	
		************
	e of second inventor:	*************
Inventor'	s signature:	Date:
Residence	2:	
Citizensh	nip:	
Post offi	ce address:	
*****	*******	***********
Full nam	ne of third inventor:	
Inventor	r's signature:	Date:
Residenc	ce:	
Citizens	ship:	
Post off	fice address:	
*****	*******	*******
Full nam	me of fourth inventor:	
Inventor	r's signature:	Date:
Residenc	ce:	
Citizens	ship:	
Post off	fice address:	

Before signing this declaration, each person signing must:

- Review the declaration and verify the correctness of all information therein; and
- Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following is cited in or pertinent to the declaration attached to the accompanying application:

## Title 37, Code of Federal Regulations, Section 1.56

Duty to disclose information material to patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is being served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, Information material to the or the application becomes abandoned. patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

#### Title 35, United States Code, Section 101

Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### Title 35, United States Code, Section 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
  - (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
  - (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### Title 35, United States Code, Section 103

Conditions for patentability; non-obvious subject matter

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

. . .

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

## Title 35, United States Code, Section 112 (in part)

Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

#### Title 35, United States Code, Section 119

Benefit of earlier filing date in foreign country; right of priority

An application for patent for an inventor filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same inventor in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

### Title 35, United States Code, Section 120

Benefit of earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Please read carefully before signing the Declaration attached to the accompanying Application.

If you have any questions, please contact us.